



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,739	06/28/2001	Patrick Joseph Connolly	P66063USO	8478

30159 7590 03/24/2003

ATTN: LEGAL-MANUFACTURING
KINETIC CONCEPTS, INC.
P.O. BOX 659508
SAN ANTONIO, TX 78265-9508

EXAMINER

TRETTEL, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

3673

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/701,739

Applicant(s)

CONNOLLY ET AL.

Examiner

Michael Trettel

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,7,9-12 and 22-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,6,7,9-20 and 22 is/are allowed.
- 6) ☒ Claim(s) 23-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3673

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23 to 60 are rejected under 35 U.S.C. 102(b) as being anticipated by the published PCT application to Connolly (WO 97/22323). The Connolly application shows a rotating type therapeutic bed that comprises a base frame 2, a Trendelenburg frame 4 mounted upon the base frame, and a patient support platform 5 mounted to the Trendelenburg frame 4. The Trendelenburg frame 4 includes a pair of arcuate arms 15 that are supported upon base frame mounted rollers 10 which allows the Trendelenburg frame to be tilted as needed and end frames formed by cross arms 16 and upright arms 17 are attached to the arcuate frame members 15 to form supports for the patient platform 5. The platform 5 includes end rings 26, 27 supported

Art Unit: 3673

upon rollers 20 attached to the end frames with side frame members 22 and a mattress support platform 23 being attached to the rings 26 to form a support surface. A drive means as disclosed on page 12, lines 11 to 16 is provided to rotate the platform upon the rings and upon the rollers 20. A mattress 30 is supported upon the surface 23 with a pair of side pads 32 being provided that act as side supports for a patient. Side rails 34 are attached to the frame rails 22 and extend upwardly to provide a means for attaching a prone support means in the form of head support section 35, upper body section 36, abdomen support 37, and lower body sections 38 to 40. Each of the sections are divided into opposed parts which are hingedly attached to the side rails 34 and which can be held in place across a patients body by straps 43 and fasteners 42. The abdomen support 37 comprises a piece of flexible cloth material connected by straps 55 to the side pads 31 and adjustable straps 56 to the opposing pad 31. The support platform 23 is split transversely along a hinge 60 to provide access to a patient's back. Figure 6 shows the drive means for rotating the patient support platform, note that the lateral rotation can be from 15 to 62 degrees (page 14, lines 24 to 28) so as to provide kinetic therapy.

Allowable Subject Matter

Claims 1, 2, 4, 6, 7, 9 to 20, 22 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Hand et al Chrones et al, Connolly, Jackson, Hogan, and Koch show

Art Unit: 3673

rotatable patient supports that are of particular interest. Alexander shows a line routing apparatus for a medical support which is of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.



Michael Trettel
Primary Examiner
Art Unit 3673